

FILED
HARRISBURG, PA

JUL 15 2004

MARY E. D'ANDREA, CLERK
Per KJN
Deputy ClerkIN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TYRONE P. JAMES

Plaintiff,

v.

YORK COUNTY POLICE DEPARTMENT,
JAMES H. MORGAN, RICHARD PEDDICOORD,
RAYMOND E. CRUAL, GENE FELLE,
DET. KESSLER, CO. BAYLARK,
RANDY SITES, BRIAN WESTMORELAND,
and DETECTIVE GLOWCZESKI
Defendants,CIVIL ACTION NO. 1:01-CV-1015
(Judge Kane)
(Magistrate Judge Mannion)

JURY TRIAL DEMANDED

APPENDIX IN SUPPORT OF PLAINTIFFS' OPPOSITION MOTION FOR SUMMARY JUDGMENT.

1. Judge Thompson Order, directing the Clerk of Court, Mr. Marlyn L. Holtzapple, to served Plaintiff's, copy of Order and accompanying Memorandum opinion; from Plaintiff's, Pro se, "Motion For Arrest Of Judgment, and New Trial; Ordering Plaintiff's to filed Statements of Matters Complaint Of, Pa.R.App.P, 1925(b); dated February 19, 2002. [EXHIBIT 1A].

2. The Clerk Of Court Of York County Memorandum, dated February 22, 2002, showing that Plaintiff's was never served a copy of the Trial Judge Thompson Order, date February 19, 2002. [EXHIBIT 1B].

3. The Clerk Of Court Of York County Memorandum, dated, March 26, 2002; showing that Plaintiff's was served copy of Judge February 19, 2002, Order and Opinion; (Document fabricated). [EXHIBIT 1C]

4. Certified letter mailed to Clerk Of Court, Mr. Marlyn L. Holtzapple, on February 27, 2002, requesting a copy of Judge Thompson, Order and Opinion, dated, February 19, 2002. [EXHIBIT 1D].

5. The Court Of Common Pleas, Of York County-Criminal Division, Docketing Statements; dated March 26, 2002; showing no Order and Opinion, dated February 19, 2002, was served upon Plaintiff's, to comply with Court Order. [EXHIBIT 1E].

6. Letter to Plaintiff's Appeal Attorney, York County Public Defender

7. Agent-Defendant Randell A. Sipes, Investigation Report, dated January 30, 2001 (from a incident that occurred January 3, 2001 in California); Physical Descriptions and Property Receipts, dated 1/08/2001 and 01/09/01; Investigation NO# R1200100005; RI01-0005, Department Of Justice, California. [EXHIBIT 2].

8. Personal History/Arrest Report; filled out and signed by Defendants Morgan, dated January 10, 2001; stating that Plaintiff's was arrested by "Warrant" NO.#50 (when no warrant was issued, either to search Plaintiff's private mail box or to arrest him); continued in section NO# 58, "No statements was made by Plaintiff's at time of arrest and in the Police Station; contrary, to his Initial Report and Notes Of Testimony). [EXHIBIT 3A].

9. Defendant James Morgan, Initial Report ¶ 9, stating, that on 1-10-00 the parcel from California, which contained the 9½ pounds of Marijuana, was received at the Region III Headquarter and was secured in the Evidence Room, by this Agent. (Contrary to Defendant Morgan testimony under oaths, on March 28, 2001, before District Justice Kessler, and his Testimony at trial, which was inconsistent, no contraband was received at Plaintiff's mail box or received by this Defendant). [EXHIBIT 3B].

10. Police Criminal Complaint and Affidavit Of Probable Cause, filed and sworn to, by Defendant Craul and Morgan, end paragraph, addressing the fact that the Drug was in the State of Pennsylvania at the time Plaintiff's was arrest, on January 10, 2001, at 10:35; furthermore, there was no search or arrest warrant to arrest Plaintiff's. [EXHIBIT 3C].

11. Defendant Morgan "End Report" property record. [EXHIBIT 3D]. *Referred Back to 3B*

12. Defendant Morgan Supplemental Report; signed, by Supervisor Brian Westmoreland, and John R. Smith and Defendant Morgan, dated, April 5, 11, and 13, 2001. [EXHIBIT 4A].

13. Defendant Craul Springettsbury Township Police Department General Incident Report. [EXHABIT 5A].

14. Defendant Peddicord York City Police Arrest and Booking Form.

15. Mail Boxes Etc: MailBox Service Agreement; Photo Driver License and AAA Plus Card; Privacy Act Statement; Bank Cards; State Of California Benefits Identification Card; Business Bank Cards; Business Cards; Business Bank Check; Frequent Flyer Cards; and College ID Card. [EXHIBIT 7A].

16. Social Security Administration Supplement Security Income Payments; showing "Bank Direct Deposit." Contrary to Defendant Morgan Testimony in "EXHIBIT 13A, Page 30." [EXHIBIT 8A].

17. Defendant Ray Craul; In Re Grand Jury NO. 00-045, to the U.S. Attorney's Office. Even though he denied ever initiating any Federal indictment, in his Answer to Plaintiff's Request For Admission. [EXHIBIT 9A].

18. Defendant Report to the U.S. Department of Justice, Drug Enforcement Administration, date July 31, 2001; classifying Plaintiff's as a know Drug Dealer. Defamation of character. [EXHIBIT 10A].

19. Defendants Morgan's, Peddicord's, Westmoreland's, Craul's, Glowczeski's, answers to Interrogatories, and Admission. [EXHIBIT 11A].

20. Defendant Morgan's Answer To Admissions. [EXHIBIT 12A].

21. Defendant Morgan's sworn "Note Of Testimony", at Plaintiff's Preliminary Hearing, held on, March 28th, 2001, before District Justice Kessler, regarding the search of Plaintiff's private mail box; the arrest; interrogation; and the denial of counsel, by him and his instruction to prison official to denied plaintiff's his right to counsel. [EXHIBIT 13A pages 6-35].

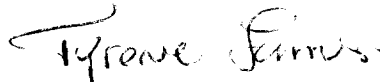
22. Defendant Westmoreland's, "Note Of Testimony," trial transcript, dated, November 12-15, 2001; regarding is encounter with Plaintiff's, and the taken down of Plaintiff's, which was Order by Defendant Morgan, and his knowledge of the interdiction, and the placing of the "Make Shift Box," at the Mail Box Etc., which the state recreated danger, in the used of excessive force against Plaintiff. [EXHIBIT 14A].

23. Mail Box Etc., 2536 Eastern Blvd., York, PA 17402, Owner, Ms. Jan Metzler, testified at to procedural work history and habits. [EXHIBIT 15A].

24. Mail Box Etc., Clerk Terisa Mccoy, 2536 Eastern Blvd., York, Pa 17402, her encounter with Morgan, and has to what she had eyewitness, on January 10, 2001, in the Mail Box Etc., and in the Parking lot of the Kingston Square Center, and the fact that she couldn't identify these individual as Police Office who can running towards Plaintiff's has he existed the Building; when the use of force, was enforced against Plaintiff. [EXHIBIT 16A].

Respectfully Submitted,

Date: July 12, 2004

A handwritten signature in cursive script, appearing to read "Tyrone James".

Tyrone P. James

EX 9451

P.O. Box A

Bellefonte, PA 16823-0820